

HOLLAND, GROVES, SCHNELLER & STOLZE, L.L.C.  
ATTORNEYS AT LAW

Eric D. Holland  
Steven L. Groves  
Gerard B. Schneller  
Steven J. Stolze  
Ryan M. Furniss  
William E. Kruse

300 North Tucker  
Suite 801  
St. Louis, Missouri 63101  
Tel. 314-241-8111  
Fax: 314-241-5554

January 5, 2010

FILED

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CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY  
BY *[Signature]*

**VIA OVERNIGHT DELIVERY**

Mr. Jeffery N. Luthi, Clerk of the Panel  
Judicial Panel on Multidistrict Litigation  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle, N.E.  
Room G-255, North Lobby  
Washington, DC 20002-8004

*09md2121-LAB(POR)*  
*09cv2178*  
*09cv2211*  
*09cv2267*  
*09cv2285*  
*09cv2332*

**RE: In Re National Association of Music Merchants, Musical Instruments and  
Equipment Antitrust Litigation  
MDL Docket 2127**

Enclosed please find the following for filing in the above-referenced action:

1. Original and pdf on disc of Plaintiffs Brandon Armstrong, Bryan Roach, Jerry Jost and Kevin Gagnepain Notice of Presentation or Waiver of Oral Argument; and
2. Proof of Service.

Sincerely,



Eric D. Holland

EDH/lkh  
Enclosures

cc: All counsel and courts on enclosed service list (via first class or electronic mail)

MDL DOCKET NO. 2127

THIS FORM MUST BE RETURNED  
TO THE JUDICIAL PANEL NO  
LATER THAN JANUARY 8, 2010

TO: Clerk of the Panel  
U.S. Judicial Panel on Multidistrict Litigation  
One Columbus Circle, NE  
Thurgood Marshall Federal Judiciary Building  
Room G-255, North Lobby  
Washington, DC 20002-8004

NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT

XX This is to give notice that the following designated attorney shall PRESENT ORAL ARGUMENT at the Panel hearing session on behalf of the designated party/parties. Panel Rule 16.1(e) states that:

Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

Also note Rule 16.1(f) requiring counsel with like positions to confer prior to the oral argument for the purpose of selecting a spokesperson to avoid duplication during oral argument.

\_\_\_\_\_ This is to give notice that the party/parties noted hereafter will WAIVE ORAL ARGUMENT pursuant to Rule 16.1(d).

\_\_\_\_\_ This is to give notice that the party/parties noted hereafter will WAIVE ORAL ARGUMENT IF ALL OTHER PARTIES IN THIS MATTER WAIVE ORAL ARGUMENT; otherwise the following designated attorney shall present oral argument at the Panel hearing session on behalf of the designated party/parties pursuant to Rule 16.1(d).

1-5-2010  
Date

Eric D. Holland  
Name

  
Authorized Signature

Party/Parties Represented, District(s) & Civil Action Number(s) (list even if waiving):

Brandon Armstrong, Eastern District of Texas (Beaumont) 1:09-cv-00942  
Bryan Roach, Eastern District of Texas (Beaumont) 1:09-cv-00940  
Jerry Jost, Southern District of Illinois 09-923-GPM  
Kevin Gagnepain, Southern District of California 09-cv-2488-JLS-JMA

Name and Address of Attorney Designated to Present Oral Argument:

Eric D. Holland  
Holland, Groves, Schneller & Stolze, LLC  
300 North Tucker Blvd., Suite 801, St. Louis, MO 63101

Telephone No.: 314-241-8111

Fax No.: 314-241-5554

Email Address: eholland@allfela.com

ORIGINAL ONLY OF ORAL ARGUMENT APPEARANCE NEEDED FOR FILING. **THIS NOTICE MUST BE SERVED ON ALL OTHER PARTIES IN THE AFFECTED LITIGATION AND A CERTIFICATE OF SERVICE WITH PANEL SERVICE LIST MUST BE ATTACHED TO THIS ORAL ARGUMENT APPEARANCE.**

JPML Form 9 (9/08)

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

\_\_\_\_\_  
**IN-RE: NATIONAL ASSOCIATION  
OF MUSIC MERCHANTS,  
MUSICAL INSTRUMENTS AND  
EQUIPMENT ANTITRUST  
LITIGATION**  
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**MDL DOCKET NO. 2127**

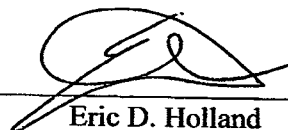
**PROOF OF SERVICE**

I, Eric D. Holland, hereby certify that a copy of the foregoing:

**PLAINTIFFS BRANDON ARMSTRONG, BRYAN ROACH, JERRY JOST AND KEVIN  
GAGNEPAIN'S NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT**

and this Proof of Service was served on the parties on the attached Service List by First Class or Electronic Mail on January 5, 2010.

Dated: January 5, 2010

  
\_\_\_\_\_  
Eric D. Holland

**Judicial Panel On Multidistrict Litigation - Panel Service List**

**Docket:** 2127 - IN RE: National Association of Music Merchants, Musical Instruments and Equipment Antitrust Litigation  
**Status:** Pending On / /  
**Transferee District:**  
**Judge:**  
**Transferee District Master Docket No.:**

**Report key:** \* Signifies that an appearance was made on behalf of the party by the representing attorney.  
 # Specified party was dismissed in some, but not all, of the actions in which it was named as a party.  
 All counsel and parties no longer active in this litigation have been suppressed.

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

-----  
**Aguilar, George C.**  
 ROBBINS UMEDA LLP  
 600 B Street  
 Suite 1900  
 San Diego CA 92101  
 Phone No.: (619) 525-3990  
 Fax No.: (619) 525-3991  
 gaguilar@robbinsumeda.com

-----  
 Keel, David\*

-----  
**Barnes, Heather A.**  
 PRICE WAICUKAUSKI & RILEY LLC  
 301 Massachusetts Avenue

-----  
 Collins, Rory W.

Indianapolis IN 46204  
 Phone No.: (317) 633-8787  
 Fax No.: (317) 633-8797

-----  
**Barnow, Ben .**  
 BARNOW & ASSOCIATES PC  
 One North LaSalle Street  
 Suite 4600  
 Chicago IL 60602  
 Phone No.: (312) 621-2000  
 Fax No.: (312) 641-5504  
 b.barnow@barnowlaw.com

-----  
 Lil Walt Production\*

-----  
 Witherspoon (dba Racy Brothers Enterprizes & Lil Walt Production), Walter\*

-----  
**Basser, Stephen R.**  
 BARRACK RODOS & BACINE  
 One American Plaza  
 600 West Broadway Suite 900  
 San Diego CA 92101  
 Phone No.: (619) 230-0800  
 Fax No.: (619) 230-1874

-----  
 O'Leary, Mark

-----  
 Sepulveda, Cynthia

---

**Bernstein, Debra D.**

ALSTON & BIRD LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta GA 30309  
Phone No.: (404) 881-4476  
Fax No.: (404) 253-8488  
debra.bernstein@alston.com

Korg, USA, Inc.\*

---

**Burke, Christopher M.**

SCOTT & SCOTT LLP  
6424 Santa Monica Boulevard

Los Angeles CA 90038  
Phone No.: (213) 985-1274  
Fax No.: (213) 985-1278  
cburke@scott-scott.com

MacWilliamson, Kate

---

**Corrigan, Jeffrey J.**

SPECTOR ROSEMAN KODROFF & WILLIS PC  
1818 Market Street  
Suite 2500  
Philadelphia PA 19103  
Phone No.: (215) 496-0300  
Fax No.:  
jcorrigan@srk-law.com

Manyin, Kenneth\*

---

**Cuomo, Paul C.**

HOWREY LLP  
1299 Pennsylvania Avenue, N.W.

Washington DC 200042402  
Phone No.: (202) 383-6547  
Fax No.: (202) 383-6610  
Cuomop@howrey.com

National Association of Music Merchants, Inc.\*

---

**D'Addario, James D.**

D'Addario & Co., Inc.  
595 Smith Street  
Farmingdale NY 11735  
Phone No.:  
Fax No.:

D'Addario & Co., Inc.

---

**Davis, Gregory L.**

LAW OFFICE OF GREG DAVIS  
6987 Halcyon Park Drive

Montgomery AL 36117  
Phone No.: (334) 832-9080  
Fax No.: (334) 409-7001  
gldavis@knology.com

Poff, Jr., William S.

---

**Doherty, Sean .**

BAIN CAPITAL LLC  
111 Huntington Avenue

Boston MA 02199

Bain Capital, LLC

Phone No.:  
Fax No.:

**Fegan, Elizabeth A.**  
HAGENS BERMAN SOBOL SHAPIRO LLP  
820 North Boulevard  
Suite B  
Oak Park IL 60301  
Phone No.: (708) 776-5600  
Fax No.: (708) 776-5601  
beth@hbsslaw.com

Hale, Allen\*

Logsdon, Gerald\*

**Harvey, Timothy G.**  
RILEY WARNOCK & JACOBSON PLC  
1906 West End Avenue

Gibson Guitar Corp.\*

Nashville TN 37203  
Phone No.: (615) 320-3700  
Fax No.: (615) 320-3737  
tharvey@rwjplc.com

Gibson Musical Instruments Corp.

**Hinman, Frank N.**  
BINGHAM MCCUTCHEN LLP  
Three Embarcadero Center

Roland Corp. U.S.\*

San Francisco CA 941114067  
Phone No.: (415) 393-2000  
Fax No.: (415) 393-2286  
frank.hinman@bingham.com

**Hodge, Brooke E.**  
GERGOSIAN & GRAWLEWSKI LLP  
655 West Broadway  
Suite 1410  
San Diego CA 92101  
Phone No.: (619) 237-9500  
Fax No.: (619) 237-9555  
brooke@gergosian.com

Cervantes, Agustin

**Leopold, Theodore J.**  
LEOPOLD KUVIN PA  
2925 PGA Boulevard  
Suite 200  
Palm Beach Gardens FL 33410  
Phone No.: (561) 515-1400  
Fax No.: (561) 515-1401  
tleopoldkuvin.com

Parikh, Niranjana

**Lipstein, Robert A.**  
CROWELL & MORING  
1001 Pennsylvania Avenue, Nw

Yamaha Corp. of America

Washington DC 200042595  
Phone No.: (202) 624-2500  
Fax No.: (202) 528-5116

---

**Markley, Dean .**

Dean Markley Electronics, Inc.  
12911 Pierce Road  
Saratoga CA 95070  
Phone No.:  
Fax No.:

---

Dean Markley Electronics, Inc.

---

**Novak, Paul F.**

MILBERG LLP  
One Pennsylvania Plaza

New York NY 10119  
Phone No.:(212) 594-5300  
Fax No.: (212) 868-1229

---

Paradise, Jason\*

---

**Pritzker, Elizabeth C.**

GIRARD GIBBS LLP  
601 California Street  
Suite 1400  
San Francisco CA 94108  
Phone No.:(415) 981-4800  
Fax No.: (415) 981-4846  
ecp@girardgibbs.com

---

Haskell, Jeremy\*

---

**Rebuck, Monica L.**

HANGLEY ARONCHICK SEGAL & PUDLIN  
30 North Third Street  
Suite 700  
Harrisburg PA 171011701  
Phone No.:(717) 364-1030  
Fax No.: (717) 364-1020  
mrebuck@hangley.com

---

C.F. Martin & Co., Inc.\*

---

**Rosenberg, Ellen S.**

Guitar Center, Inc.  
5795 Lindero Canyon Road  
Westlake Village CA 91362  
Phone No.:  
Fax No.:

---

Guitar Center Stores, Inc.

---

**Sandusky, James .**

Peavey Electronics Corp.  
5022 Hartley Peavey Drive  
Meridian MS 39305  
Phone No.:  
Fax No.:

---

Peavey Electronics

---

**Scarborough, Lawrence G.**

BRYAN CAVE LLP  
Two North Central Avenue  
Suite 2200  
Phoenix AZ 850044406  
Phone No.:(602) 364-7000  
Fax No.: (602) 364-7070  
lgscarborough@bryancave.com

---

Fender Musical Instruments Co.\*

Fender Musical Instruments Corp.\*

Teller, Alex

Giles, Colby

Bohl, Alex

TASCAM

TEAC (as is on docket sheet)

TEAC Corp. of North America

Giambusso, David\*

Guitar Center, Inc.\*

**Stephan, Ryan F.**

STEPHAN ZOURAS LLP  
205 N. Michigan Ave.  
Suite 2560  
Chicago IL 60601  
Phone No.: (312) 233-1550  
Fax No.: (312) 233-1560  
Rstephan@stephanzouras.com

**Sweeney, Bonny E.**

COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP  
655 West Broadway  
Suite 1900  
San Diego CA 92101  
Phone No.: (619) 231-1058  
Fax No.: (619) 231-7423  
bonnys@csgrr.com

**Talley, Stuart C.**

KERSHAW CUTTER & RATINOFF LLP  
401 Watt Avenue

Sacramento CA 95864  
Phone No.: (916) 448-9800  
Fax No.: (916) 669-4499  
stalley@kcrlegal.com

**Teac America, Inc. .**

7733 Telegraph Road

Montebello CA 90640  
Phone No.: (323) 726-0303  
Fax No.: (323) 727-7656

**Wexler, Kenneth A.**

WEXLER WALLACE LLP  
55 West Monroe Street  
Suite 3300  
Chicago IL 60603  
Phone No.: (312) 346-2222  
Fax No.: (312) 346-0022  
kaw@wexlerwallace.com

**Zwisler, Margaret M.**

LATHAM & WATKINS LLP  
555 Eleventh Street, N.W.  
Suite 1000  
Washington DC 20004  
Phone No.: (202) 637-1092  
Fax No.: (202) 637-2201  
margaret.zwisler@lw.com



Lee M. Gordon  
Elaine T. Byszewski  
HAGENS BERMAN SOBOL SHAPIRO LLP  
700 Flower Street, Suite 2940  
Los Angeles, California 90017  
Telephone: (213) 330-7150  
Facsimile: (213) 330-7152  
Email: [lee@hbsslaw.com](mailto:lee@hbsslaw.com)  
Email: [elaine@hbsslaw.com](mailto:elaine@hbsslaw.com)

*Attorneys for Plaintiff Gerald Logsdon and Cynthia Sepulveda*

Steve W. Berman  
Anthony D. Shapiro  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, Washington 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
Email: [steve@hbsslaw.com](mailto:steve@hbsslaw.com)  
Email: [tony@hbsslaw.com](mailto:tony@hbsslaw.com)

*Attorneys for Plaintiff Gerald Logsdon*

Stephen R. Basser  
Samuel M. Ward  
BARRACK, RODOS & BACINE  
One America Plaza  
600 West Broadway, Suite 900  
San Diego, California 92101  
Telephone: (619) 230-0800  
Facsimile: (619) 230-1874  
Email: [sbasser@barrack.com](mailto:sbasser@barrack.com)  
Email: [sward@barrack.com](mailto:sward@barrack.com)

*Attorneys for Plaintiff Cynthia Sepulveda*

Elizabeth A. Fegan  
HAGEN BERMAN SOBOL SHAPIRO LLP  
820 North Boulevard Suite B  
Oak Park, IL 60301  
Telephone: 708-776-5600

*Attorneys for Plaintiff Cynthia Sepulveda*

Gerald J. Rodos  
Jeffrey B. Gittleman  
BARRACK, RODOS & BACINE  
3300 Two Commerce Square  
Philadelphia, PA 19103  
(215) 963-0600  
(215) 963-0838

*Attorneys for Plaintiff Cynthia Sepulveda*

Mark A. Maasch  
TURNER & MAASCH, INC.  
550 West C Street, Suite 1160  
San Diego, California 92101  
Telephone: (619) 237-1212  
Facsimile: (619) 237-0325

*Attorney for Plaintiffs Walter Witherspoon and Lil Walt Production*

Ben Barnow  
BARNOW & ASSOCIATES, P.C.  
One North LaSalle, Suite 4600  
Chicago, Illinois 60602  
(312) 621-2000

*Attorneys for Plaintiffs Walter Witherspoon and Lil Walt Production*

Lance A. Harke  
HARKEY & CLASKY LLP  
155 South Miami Avenue  
Suite 600  
Miami, FL 33130  
(305)536-8220

*Attorney for Plaintiff Walter Witherspoon and Lil Walt Production*

Richard Quintas  
Michael L. Roberts  
ROBERTS LAW FIRM PA  
20 Rahling Circle  
Little Rock, AR 72223  
(501)821-5575

*Attorneys for Plaintiffs Walter Witherspoon and Lil Walt Production*

Monica L. Rebuck  
HANGLEY ARONCHICK SEGAL & PUDLIN  
30 North Third Street  
Suite 700  
Harrisburg, PA 17101-1701  
Phone: 717.364.1007  
Fax: 215.568.0300  
[mrebuck@hangleys.com](mailto:mrebuck@hangleys.com)

*Attorney for Defendant CF Martin*

Elizabeth C. Pritzker  
Daniel C. Girard  
Aaron M. Sheanin  
GIRARD GIBBS LLP  
601 California Street, 14th Floor  
San Francisco, California 94108  
Telephone: (415) 981-4800  
Facsimile: (415) 981-4846  
Email: [ecp@gerardgibbs.com](mailto:ecp@gerardgibbs.com)  
Email: [dgc@gerardgibbs.com](mailto:dgc@gerardgibbs.com)  
Email: [ams@gerardgibbs.com](mailto:ams@gerardgibbs.com)

*Attorneys for Plaintiffs Joshua Ramsey and Jeremy Haskell*

Kenneth M. Gilman  
GILMAN & PASTOR LLP  
16 Fourteenth Avenue  
Wareham, MA 02571  
Telephone: (508) 291-8400  
Facsimile: (508) 291-3258  
Email: [kgilman@GilmanPastor.com](mailto:kgilman@GilmanPastor.com)

*Attorneys for Plaintiffs Joshua Ramsey and Jeremy Haskell*

Michael D. Hausfeld  
Hilary K. Ratway  
HAUSFELD LLP  
1700 K Street, NW, Suite 650  
Washington, DC 20006  
Telephone: (202) 540-7200  
Facsimile: (202) 540-7201  
Email: [mhausfeld@hausfeldllp.com](mailto:mhausfeld@hausfeldllp.com)  
Email: [hscherrer@hausfeldllp.com](mailto:hscherrer@hausfeldllp.com)

*Attorneys for Plaintiffs Kenneth Manyin, Russell Melton, and Richard Tabas*

Jeffrey L. Kodroff  
Jeffrey J. Corrigan  
Jay S. Cohen  
Jonathan M. Jagher  
SPECTOR ROSEMAN KODROFF & WILLIS, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 496-0300  
Facsimile: (215) 496-6611  
Email: [JKodroff@srkw-law.com](mailto:JKodroff@srkw-law.com)  
Email: [JCorrigan@srkw-law.com](mailto:JCorrigan@srkw-law.com)  
Email: [JCohen@srkw-law.com](mailto:JCohen@srkw-law.com)  
Email: [JJagher@srkw-law.com](mailto:JJagher@srkw-law.com)

*Attorneys for Plaintiffs Kenneth Manyin and Richard Tabas*

Jeffrey S. Goldenberg  
MURDOCK GOLDENBERG SCHNEIDER & GROH, LPA  
35 East Seventh Street, Suite 600  
Cincinnati, Ohio 45202  
(513) 345-8291  
(513) 345-8294  
[jgoldenberg@mgsglaw.com](mailto:jgoldenberg@mgsglaw.com)

*Attorneys for Plaintiff Richard Tabas*

Mark S. Goldman  
Brian D. Penny  
GOLDMAN SCARLATO & KARON, P.C.  
101 West Elm Street, Suite 360  
Conshohocken, Pennsylvania 19428  
(484) 342-0700  
(484) 342-0701  
[goldman@gsk-law.com](mailto:goldman@gsk-law.com)

*Attorneys for Plaintiff Richard Tabas*

John P. McCarthy  
LAW OFFICES OF JOHN P. MCCARTHY  
217 Bay Avenue  
Somers Points, New Jersey 08244  
(609) 653-1094  
(609) 653-3029  
[jpmcc57@aol.com](mailto:jpmcc57@aol.com)

*Attorneys for Plaintiff Richard Tabas*

Philip A. Steinberg, Esq.  
124 Rockland Avenue  
Bala Cynwynd, Pennsylvania 19004  
(610) 664-0972  
(610) 664-3101  
[pasteinbe@aol.com](mailto:pasteinbe@aol.com)

*Attorney for Plaintiff Richard Tabas*

Shpetim Ademi  
Guri Ademi  
ADEMI & O'REILLY, LLP  
3620 East Layton Avenue  
Cudahyo, WI 53110  
Telephone: (866) 264-3995  
Facsimile: (414) 482-8001  
Email: [sademi@ademilaw.com](mailto:sademi@ademilaw.com)

*Attorneys for Plaintiff Jason Paradise*

Jeff Westerman  
MILBERG LLP  
300 S. Grand Ave., Suite 3900  
Los Angeles, CA 90071  
Telephone: (213) 617-1200  
Facsimile: (213) 617-1975  
Email: [jwesterman@milberg.com](mailto:jwesterman@milberg.com)

*Attorneys for Plaintiff Jason Paradise*

Peter Safirstein  
Paul F. Novak  
Peggy Wedgworth  
MILBERG LLP  
One Pennsylvania Plaza, 49th Floor  
New York, NY 10119  
Telephone: (212) 594-5300  
Facsimile: (212) 868-1229  
Email: [psafirstein@milberg.com](mailto:psafirstein@milberg.com)  
Email: [pnovak@milberg.com](mailto:pnovak@milberg.com)  
Email: [pwedgworth@milberg.com](mailto:pwedgworth@milberg.com)

*Attorneys for Plaintiff Jason Paradise*

Robert J. Gralewski, Jr.  
Brooke E. Hodge  
GERGOSIAN & GRALEWSKI LLP  
655 West Broadway, Suite 1410  
San Diego, CA 92101  
Telephone: (619) 237-9500  
Facsimile: (619) 237-9555  
Email: [bob@gergosian.com](mailto:bob@gergosian.com)  
Email: [brooke@gergosian.com](mailto:brooke@gergosian.com)

*Attorneys for Plaintiff Agustin Cervantes*

Daniel E. Gustafson  
Daniel Hedlund  
GUSTAFSON & GLUEK PLLC  
650 Northstar East  
608 Second Avenue South  
Minneapolis, MN 55402  
Telephone: (612) 333-8844  
Facsimile: (612) 339-6622  
Email: [dgustafson@gustafsongluek.com](mailto:dgustafson@gustafsongluek.com)  
Email: [dhedlund@gustafsongluek.com](mailto:dhedlund@gustafsongluek.com)

*Attorneys for Plaintiff Agustin Cervantes*

Mark Reinhardt  
Garrett D. Blanchfield, Jr.  
REINHARDT WENDORF & BLANCHFIELD  
E1250 First National Bank Bldg.  
322 Minnesota Street  
St. Paul, MN 55101  
Telephone: (651) 287-2100  
Facsimile: (651) 287-2103  
Email: [m.reinhardt@rwblaw.com](mailto:m.reinhardt@rwblaw.com)  
Email: [g.blanchfield@rwblaw.com](mailto:g.blanchfield@rwblaw.com)

*Attorneys for Plaintiff Russell Melton*

Robert J. Gralweski, Jr.  
Brooke E. Hodge  
GERGOSIAN AND GRALEWSKI LLP  
655 West Broadway Suite 1410  
San Diego, CA 92101  
Telephone: 619-237-9500  
Facsimile: 619-237-9555  
[bob@gergosian.com](mailto:bob@gergosian.com)  
[brooke@gergosian.com](mailto:brooke@gergosian.com)

*Attorneys for Plaintiff Agustin Cervantes*

Gary B. Friedman  
FRIEDMAN LAW GROUP LLP  
270 Lafayette Street, 14th Floor  
New York, NY 10012  
Telephone: (212) 680-5150  
Email: [gfriedman@flglp.com](mailto:gfriedman@flglp.com)

*Attorneys for Plaintiff Russell Melton*

Daniel J. Mogin  
Kristy L. Fischer  
THE MOGIN LAW FIRM, P.C.  
110 Juniper Street  
San Diego, CA 92101  
Telephone: (619) 687-6611  
Facsimile: (619) 687-6610  
Email: [dmogin@moginlaw.com](mailto:dmogin@moginlaw.com)  
Email: [kristy@moginlaw.com](mailto:kristy@moginlaw.com)

*Attorneys for Plaintiff Scott Cook*

Jeff Westerman  
MILBERG LLP  
300 S. Grand Ave., Suite 3900  
Los Angeles, CA 90071  
Telephone: (213) 617-1200  
Facsimile: (213) 617-1975  
Email: [jwesterman@milberg.com](mailto:jwesterman@milberg.com)

*Attorneys for Plaintiff Jason Paradise*

Michael J Flannery  
James J. Rosemergy  
CAREY & DANIS LLC  
8235 Forsyth, Suite 1100  
St. Louis, MO 63105  
(314) 725-7700  
(314) 721-0905 (fax)  
[mflannery@careydanis.com](mailto:mflannery@careydanis.com)  
[jrosemergy@careydanis.com](mailto:jrosemergy@careydanis.com)

*Attorneys for Plaintiffs Kevin Gagnepain and Jerry Jost*



Ted Leopold  
William C Wright  
LEOPOLD KUVIN PA  
2925 PGA Boulevard Suite 200  
Palm Beach Gardens, FL 33410  
561-515-1400  
561-515-1401 (fax)  
[tleopold@leopoldkuvin.com](mailto:tleopold@leopoldkuvin.com)

*Attorneys for Plaintiffs Niranjan Parikh and Scott Cook*

Donna F. Solen  
MASON LLP  
1625 Massachusetts Avenue, NW Suite 605  
Washington, DC 20036  
Telephone: 202-429-2290  
Facsimile: 202-429-2294  
[dsolen@masonlawdc.com](mailto:dsolen@masonlawdc.com)

*Attorneys for Plaintiff Jon Bandish*

Brian P. Murray  
Lee Albert  
Brian D. Brooks  
MURRAY, FRANKS & SAILER LLP  
275 Madison Avenue, 8th Floor  
New York, New York 10016  
(212) 682-1818  
(212) 682-1892

*Attorneys for Plaintiff Jon Bandish*

Stuart C. Talley  
KERSHAW CUTTER AND RATINOFF  
401 Watt Avenue  
Sacramento, CA 95864  
Telephone: 916-448-9800  
Facsimile: 916-448-9800  
[stalley@kcrlegal.com](mailto:stalley@kcrlegal.com)

*Attorneys for Plaintiff Alex Bohl*

Gregory L. Davis  
GREGORY L. DAVIS LLC  
6987 Halcyon Park Drive  
Montgomery, AL 36117  
Telephone: 334-832-9080  
Facsimile: 334-409-7001  
[gldavis@knology.net](mailto:gldavis@knology.net)

*Attorneys for Plaintiff William Poff*

William James Doyle, II  
John A. Lowther, IV  
DOYLE LOWTHER LLP  
9466 Black Mountain Road Suite 210  
San Diego, CA 92126  
Telephone: 619-573-1700  
Facsimile: 619-573-1701  
[bill@doylelowether.com](mailto:bill@doylelowether.com)  
[john@doylelowether.com](mailto:john@doylelowether.com)

*Attorneys for Plaintiff William Poff*

Kimberly A. Kralowec  
Robert C. Schubert  
SCHUBERT JONCKHEER KOLBE & KRALOWEC LLP  
Three Embarcadero Center Suite 1650  
San Francisco, CA 94111  
Telephone: 415-788-4220  
Facsimile: 415-788-0161

*Attorneys for Plaintiff Robert Lesko*

James A. Quadra  
G. Scott Emblidge  
Sylvia M. Sokol  
MOSCONE, EMBLIDGE & QUADRA, LLP  
220 Montgomery Street, Suite 2100  
San Francisco, California 94104  
(415) 362-3599  
(415) 362-2006

*Attorneys for Plaintiff Robert Lesko*

Kathleen S. Rogers  
LAW OFFICE OF KATHLEEN S. ROGERS  
140 Fourteenth Avenue  
San Mateo, California 94402  
(650) 766-3126

*Attorneys for Plaintiff Robert Lesko*

L. Tracee Lorens  
LORENS & ASSOCIATES, APLC  
701 "B" Street, Suite 1400  
San Diego, California 92101  
(619) 239-1233  
(619) 239-1178

*Attorneys for Plaintiff Robert Lesko*

Patricia A Meyer  
PATRICIA A MEYER AND ASSOCIATES  
550 West C Street, Suite 990  
San Diego, CA 92101  
(619)235-8636  
(619)235-0510 (fax)  
[pmeyer@patmeyer.com](mailto:pmeyer@patmeyer.com)

*Attorneys for Plaintiffs Joshua Seiler and David Kauffman*

Charles E. Tompkins, Esq.  
SHAPIRO HABER & URMY LLP  
53 State Street  
Boston, MA 02109  
Telephone: 617-439-3939  
Fax: 617-439-0134

*Attorneys for Plaintiffs Joshua Seiler and David Kauffman*

Mark K. Gray  
Doris A. Kim  
B. Travis Newman  
FRANKLIN GRAY & WHITE  
505 W. Ormsby Avenue  
Louisville, KY 40203  
502-637-6000  
502-581-1933 (fax)  
[mgray@franklingrayandwhite.com](mailto:mgray@franklingrayandwhite.com)

*Attorneys for Plaintiff Ryan Bigg*

Doris A. Kim  
B. Travis Newman  
FRANKLIN GRAY & WHITE  
505 W. Ormsby Avenue  
Louisville, KY 40202  
502-585-2060  
502-581-1933 (fax)  
[DKim@FranklinGrayandWhite.com](mailto:DKim@FranklinGrayandWhite.com)  
[tnewman@franklingrayandwhite.com](mailto:tnewman@franklingrayandwhite.com)

*Attorneys for Plaintiff Ryan Bigg*

Gilbert Timbrell Adams, III  
LAW OFFICES OF GILBERT T ADAMS  
1855 Calder Ave  
Beaumont, TX 77701  
409-835-3000  
409-832-6162 (fax)  
[gilbert@gtalaw.com](mailto:gilbert@gtalaw.com)

*Attorneys for Plaintiffs Bryan Roach and Brandon Armstrong*

Mark I Labaton  
KREINDLER & KREINDLER LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017  
866-386-2531  
213-622-6019 (fax)  
[mlabaton@kreindler.com](mailto:mlabaton@kreindler.com)

*Attorneys for Plaintiff Craig Kennedy*

Kellie Lerner  
Hollis Salzman  
LABATON SUCHAROW LLP  
140 Broadway  
New York, NY 10005  
212-907-0700  
212-818-0477 (fax)

*Attorneys for Plaintiff Craig Kennedy*

Mark Shane  
SHANE AND WHITE LLC  
1676 Route 27  
Edison, NJ 08817-3449  
732-819-9100  
732-572-9641 (fax)

*Attorneys for Plaintiff Craig Kennedy*

Marc M Seltzer  
Steven G. Sklaver  
SUSMAN GODFREY LLP  
1901 Avenue of the Stars Suite 950  
Los Angeles, CA 90067-6029  
310-789-3100  
310-789-3150 (fax)  
[mseltzer@susmangodfrey.com](mailto:mseltzer@susmangodfrey.com)

*Attorneys for Plaintiff Rob Roessler*

Kathleen Currie Chavez  
CHAVEZ LAW FIRM P.C.  
28 North First Street #2  
Geneva, IL 60134  
(630)232-4480  
[gkeg4@aol.com](mailto:gkeg4@aol.com)

*Attorneys for Plaintiff John Pearson, Josh Pearson, and Mary Pearson*

Peter Lawrence Currie  
THE LAW FIRM OF PETER L. CURRIE, P.C.  
536 Wing Lane  
St. Charles, IL 60174  
(630) 862-1130  
(630) 845-8982 (fax)  
[plclaw05@aol.com](mailto:plclaw05@aol.com)

*Attorneys for Plaintiff John Pearson, Josh Pearson, and Mary Pearson*

Robert M. Foote  
Matthew J. Herman  
FOOTE, MEYERS, MIELKE & FLOWERS, LLC  
3 North Second Street #300  
St. Charles, IL 60174  
(630) 232-6333  
[rmf@foote-meyers.com](mailto:rmf@foote-meyers.com)

*Attorneys for Plaintiff John Pearson, Josh Pearson, and Mary Pearson*

Matthew J. Herman  
FOOTE, MEYERS, MIELKE & FLOWERS, LLC  
28 North First Street #2  
Geneva, IL 60134  
(630)232-6333  
[mherman@foote-meyers.com](mailto:mherman@foote-meyers.com)

*Attorneys for Plaintiff John Pearson, Josh Pearson, and Mary Pearson*

Debra D. Bernstein  
ALSTON & BIRD LLP  
1201 West Peachtree Street  
Atlanta, Georgia 30309  
(404) 881-4476  
(404) 253-8488

*Attorneys for Defendant Korg USA, Inc.*

Frank M. Hinman  
BINGHAM McCUTCHEN, LLP  
Three Embarcadero Center  
San Francisco, California 94111  
(415) 393-2000  
(415) 393-2286

*Attorneys for Defendant Roland Corporation U.S.*

Daniel A. Sasse  
CROWELL & MORING LLP  
3 Park Plaza, 20th Floor  
Irvine, California 92614-8505  
(949) 263-8400  
(949) 263-8414

*Attorneys for Defendant Yamaha Corporation of America*

Raymond P. Boucher  
KIESEL BOUCHER & LARSON LLP  
8648 Wilshire Blvd.  
Beverly Hills, CA 90211-2910  
Telephone: (310) 854-4444  
Facsimile: (310) 854-0812

*Attorneys for Plaintiff Kate MacWilliamson*

J. Barton Goplerud  
HUDSON MALLANEY & SHINDLER  
5015 Grand Ridge Drive, Suite 100  
West Des Moines, IA 50265  
Telephone: (515) 233-4567  
Facsimile: (515) 223-8887

*Attorneys for Plaintiff Allen Hale*

Benjamin A. Krass  
LAW OFFICES OF MATTHEW PAWA, PC  
1280 Centre Street, Suite 230  
Newton, MA 02459  
Telephone: (617) 641-9550  
Facsimile: (617) 641-9551  
Email: [bkrass@pawalaw.com](mailto:bkrass@pawalaw.com)

*Attorneys for Plaintiff Gerald Logsdon*

Simon B. Paris  
SALTZ MONGELUZZI BARRETT & BENDESKY PC  
One Liberty Place, 1650 Market Street 52<sup>nd</sup> Floor  
Philadelphia, PA 19103  
Telephone: (215) 496-8282  
Facsimile: (215) 496-0999  
Email: [sparis@smbb.com](mailto:sparis@smbb.com)

*Attorneys for Plaintiff Mark O'Leary*



Jay Smith  
GILBERT & SACKMAN ALC  
3699 Wilshire Blvd., Suite 1200  
Los Angeles, CA 900102732  
Telephone: (323) 938-3000  
Facsimile: (323) 937-9139  
[js@gslaw.org](mailto:js@gslaw.org)

*Attorneys for Plaintiff Paula Jennings*

Olimpio Lee Squitieri  
SQUITIERI & FEARON llp  
32 East 57<sup>th</sup> Street, 12<sup>th</sup> Floor  
New York, NY 10022  
Telephone: (212) 421-6492  
Facsimile: (212) 421-6553  
Email: [lee@sfclasslaw.com](mailto:lee@sfclasslaw.com)

*Attorneys for Plaintiff David Giambusso*

Gerard Stranch, IV  
BRANSTETTER STRANCH & JENNINGS  
227 2<sup>nd</sup> Avenue, North, Fourt Floor  
Nashville, TN 37201-1631  
Telephone: (615) 254-8801  
Facsimile: (615) 250-3937  
Email: [gerards@branstetterlaw.com](mailto:gerards@branstetterlaw.com)

*Attorneys for Plaintiff, Paula Jennings*

Clerk of the Court  
United States District Court  
Southern District of California  
880 Front Street, Room 4290  
San Diego, CA 92101-8900

Clerk of the Court  
United States District Court  
Central District of California, Western Division  
Roybal Federal Building  
255 East Temple Street  
Los Angeles, CA 90012

Clerk of the Court  
United States District Court  
Northern District of Illinois, Eastern Division  
Everett McKinley Dirksen  
United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Clerk of the Court  
United States District Court  
District of Columbia  
333 Constitution Avenue, N.W.  
Washington, DC 20001

Clerk of the Court  
United States District Court for the  
Eastern District of Texas  
Jack Brooks Federal Building  
300 Willow Street  
Beaumont, TX 77701